

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA )  
v. ) No. 3:18-CR-6-01  
NATHAN S. MARLOW ) Judge Phillips

## **MEMORANDUM AND ORDER**

Defendant Nathan S. Marlow faces several charges arising out of a drug conspiracy. Specifically, defendant is charged with conspiring to distribute and to possess with intent to distribute methamphetamine [Doc. 3, Count One]; conspiracy to commit money laundering (Count Two); and with the distribution of methamphetamine (Count Three). The defendant filed a motion to suppress electronic surveillance [Doc. 288] and the government has responded in opposition to the motion [Doc. 308].

On January 22, 2019, United States Magistrate Judge Debra C. Poplin conducted a hearing on the pending motion. On May 6, 2019, Magistrate Judge Poplin issued a sealed Report and Recommendation (“R&R”), recommending that the defendant’s motion be denied [Doc. 344].

A district court is both statutorily and constitutionally required to conduct a *de novo* review of a magistrate judge's report and recommendation. *See United States v. Shami*, 754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review "those portions of the report or specified proposed findings or recommendations to which objection is

made.” 28 U.S.C. § 636(b). The district court need not provide *de novo* review where objections to a report and recommendation are frivolous, conclusive, or general. *See Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

No objections to the R&R have been filed, and the time for doing so has now passed. Fed. R. Crim. P. 59(b)(2). The undersigned has nonetheless thoroughly reviewed the R&R, the defendant’s motion, and the government’s response.

The Court is in complete agreement with Magistrate Judge Poplin’s recommendation. Accordingly, the Court **ADOPTS in whole** the findings of fact and conclusions of law set out in the sealed R&R [Doc. 344]. The defendant’s motion to suppress electronic surveillance [Doc. 288] is **DENIED**.

IT IS SO ORDERED.

s/ Thomas W. Phillips  
SENIOR UNITED STATES DISTRICT JUDGE